

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENT HENRY VANLEEUEWEN,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 1:21-cv-00963-ADA-HBK

ORDER GRANTING STIPULATION FOR
AN AWARD OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO JUSTICE ACT

(ECF No. 21)

On June 17, 2021, Plaintiff Kent Henry Vanleeuwen filed this action seeking review of a final decision of Defendant Commissioner of Social Security. (ECF No. 1.) On October 24, 2022, the Court adopted the Magistrate Judge's findings and recommendations that recommended granting Plaintiff's motion for summary judgment and remanding the matter for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 18.) On January 23, 2023, the parties filed a stipulation that Plaintiff should be awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in the amount of \$4,000.00. (ECF No. 21 at 2.)

Accordingly,

1. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees in the amount of \$4,000.00;

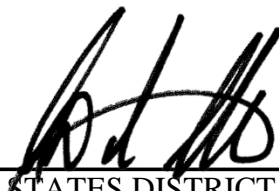
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2. After the issuance of this order, the government shall consider the assignment of the Equal Access to Justice Act attorney's fees to Plaintiff's counsel as follows:
 - a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's Offset Program;
 - b. Fees shall be made payable to Plaintiff, but if the Department of Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees to be made directly to Plaintiff's counsel, Jonathan O. Peña;
3. Whether the payment of attorney's fees is made payable to Plaintiff or to his counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Jonathan O. Peña
Peña & Bromberg, PLC
2440 Tulare St., Ste. 320
Fresno, CA 93721

IT IS SO ORDERED.

Dated: January 24, 2023


UNITED STATES DISTRICT JUDGE